

In the Claims

B1 sub C37 51 (Amended) The method of claim 38, wherein forming the first electrode includes:  
forming a layer of hemispherical grain polysilicon; and  
forming the first electrode on the hemispherical grain polysilicon.

REMARKS

The Office Action states that claim 51 is incomplete and indefinite as depending on canceled claim 37. In addition, the Office Action states that election of one of the following distinct species of the claimed invention is required under 35 U.S.C. § 121:

Species I, represented by claims 51-60;

Species II, represented by claims 61-63;

Species III, represented by claims 44 and 64-66;

Species IV, represented by claims 67-68;

Species V, represented by claims 50 and 69-75; and

Species VI, represented by claims 76-80.

Responsive to the Office Action, Applicants have herein amended claim 51 to depend from 38. Additionally, Applicants hereby elect Species I for examination purposes. Applicants submit that claims 51-60 are readable on elected Species I.

Applicants note that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Marked-Up Version of Changes Made to Claims

Attached hereto is a marked-up version of the changes made to the claims by this amendment. The first page of the marked-up version is captioned **“VERSION WITH MARKINGS TO SHOW CHANGES MADE.”**

Respectfully submitted,



Robert A. Muha  
Reg. No. 44,249

KIRKPATRICK & LOCKHART, LLP  
Henry W. Oliver Building  
535 Smithfield Street  
Pittsburgh, Pennsylvania 15222

Tel. (412) 355-8244  
Fax (412) 355-6501

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims**

Claim 51 has been amended as indicated below.

51. (Amended) The method of claim [37] 38, wherein forming the first electrode includes:

forming a layer of hemispherical grain polysilicon; and

forming the first electrode on the hemispherical grain polysilicon.